

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

CHRISTIE LEE ANN HELEN VAN
OORT,

Petitioner,

vs.

DIANN WILDER TOMLINSON,

Respondent.

No. C 07-4088-MWB

**ORDER REGARDING REPORT AND
RECOMMENDATION**

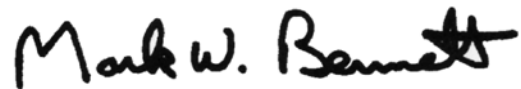
On February 25, 2008, Chief United States Magistrate Judge Paul A. Zoss filed a Report and Recommendation (docket no. 30) recommending that petitioner Van Oort's October 5, 2007, Petition For Writ Of Habeas Corpus pursuant to 28 U.S.C. § 2254 (docket no. 1) be denied. After an extension of time to file any objections, Van Oort filed a response, styled a "Report To The Court" (docket no. 34), on April 17, 2009, stating that counsel "consulted with the petitioner and her family and that they have determined that there will be no need for counsel to file a resistance to the Report and Recommendation in this matter." Pursuant to 28 U.S.C. § 636(b)(1), Rule 72 of the Federal Rules of Civil Procedure, and other applicable law, in the absence of an objection, the district court is not required "to give any more consideration to the magistrate's report than the court considers appropriate." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Finding no clear error, *see Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (noting when no objections are filed and the time for filing objections has expired, "[the district court judge] would only have to review the findings of the magistrate judge for clear error"); *Taylor v. Farrier*, 910 F.2d 518, 520 (8th Cir. 1990) (noting the advisory committee's note

to Fed. R. Civ. P. 72(b) indicates “when no timely objection is filed the court need only satisfy itself that there is no clear error on the face of the record”), I find that the Report and Recommendation should be accepted.

THEREFORE, Chief United States Magistrate Judge Paul A. Zoss’s February 25, 2008, Report and Recommendation (docket no. 30) is **accepted**, and, consequently, petitioner Van Oort’s October 5, 2007, Petition For Writ Of Habeas Corpus pursuant to 28 U.S.C. § 2254 (docket no. 1) is **denied in its entirety**.

IT IS SO ORDERED.

DATED this 28th day of April, 2009.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA.